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CASE 51882AUSM1**REMARKS****Specification and Claim Amendments**

The specification and claim amendments, which merely clarify the specification and claims, do not constitute new matter.

The Examiner has objected to the specification because ACCU-PAQUE™, a registered trademark, was not capitalized and accompanied by its generic terminology. Applicant has amended Example 1 according to the Examiner's instruction, thus traversing this ground of objection to the instant application. This amendment to the specification does not constitute new matter since it merely provides the capitalization and generic terminology (that is, physical composition of 4.2% w/v dextran and 11.6% w/v sodium diatrizoate) of ACCU-PAQUE™.

The amendments to the claims 6 and 12 do not constitute new matter since they merely clarify the claims of the invention as originally filed, as discussed below.

Rejection of Claims 6-17 Under 35 U.S.C. §112, 2nd

The Examiner has rejected claims 6-17 under 35 U.S.C. §112, 2nd paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between steps. In particular, the Examiner contends that claims 6 and 12 do not describe a method of administering the pharmaceutical composition.

Applicant respectfully traverses this rejection under 35 U.S.C. §112 for the following reason. Applicant has amended claims 6 and 12 to recite methods of administering the pharmaceutical composition of the invention. Support for the amendments to the claims is found in the specification on page 16, line 9 through page 17, line 33. In particular, on page 16, line 10, the Applicant states that "the [a]dministration of the pharmaceutical compositions of the invention can be carried out *via* any of the accepted modes of administration or agents for serving similar utilities". The specification then provides various routes of administration of pharmaceutical compositions of the invention, pharmaceutical compositions of the compounds of the invention, methods of preparing pharmaceutical compositions of the invention, and dose ranges of therapeutically effective amounts of the non-peptide CCR1 receptor antagonists of the invention.

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CASE 51882AUSM1**Rejection of Claims 1-17 Under 35 U.S.C. §103**

The Examiner has rejected claims 1-17 under 35 U.S.C. §103 as being unpatentable over the Gao et al. ("Gao") article (J. Clin. Invest. 105:35-44, 2000) in view of the Bauman et al. ("Bauman") patent (U.S. Patent No. 6,207,665). In particular, the Examiner contends that "it would have been obvious to a person having ordinary skill in the art to administer the non-peptide CCR1 receptor antagonist of Bauman with cyclosporin A to treat heart transplant rejection because Gao teaches that the combination of CCR1 receptor elimination and cyclosporin A prevents cardiac allograft rejection and permanent acceptance of cardiac allograft tissue in vivo and suggests that blocking CCR1-ligand interaction and administering cyclosporin A will be useful for preventing heart transplant rejection in vivo".

Applicant respectfully traverses this rejection under 35 U.S.C. §103 for the following reason. Applicant has prepared and signed a declaration under 37 C.F.R. §1.131 declaring that the instant invention was reduced to practice prior to January 2000, the publication date of the Gao reference. Therefore, the Gao reference is not proper prior art against the instant application, rendering moot the Examiner's rejection of claims 1-17 under 35 U.S.C. §103. Without the Gao reference, Applicant asserts that it would not be obvious to one of ordinary skill in the art to administer the combination of a therapeutically effective amount of a non-peptide CCR1 receptor antagonist and a sub-nephrotoxic amount of cyclosporin A to treat heart transplant rejection in mammals.

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CONDITION FOR ALLOWANCE

Applicants respectfully submit that the instant application is now in condition for allowance. Such action is earnestly solicited at an early date.

Respectfully submitted,



Neil G. Miyamoto, Ph.D.
Agent for Applicants
Registration No. 50,370

Berlex Pharmaceuticals
2600 Hilltop Drive
P.O. Box 4099
Richmond, California 94804-0099
Tel: 510.669.4699
Fax: 510.262.7095
E-mail: neil_miyamoto@berlex.com
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